

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AMY M. STAAB,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security

Defendant.

CASE NO. 3:14-cv-05353-BHS-KLS

REPORT AND  
RECOMMENDATION TO DISMISS  
COMPLAINT FOR FAILURE TO  
PROSECUTE

Noted for April 10, 2015

This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local Rule MJR 3 and 4. This matter comes before the Court on plaintiff's failure to file an opening brief in this matter.

On December 10, 2014, the undersigned issued an order setting the briefing schedule in this matter, directing plaintiff to file her opening brief by no later than January 7, 2015. *See* Dkt. 14. Because plaintiff failed to do so, the undersigned issued another order on January 29, 2015, directing her to file her opening brief by no later than February 26, 2015. *See* Dkt. 14. Plaintiff was informed at that time that failure to file her opening brief by the designated date, would result in a recommendation that this case be dismissed for failure to prosecute.

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2 On March 9, 2015, however, a copy of that order sent to plaintiff's last known address  
3 was returned with a notation on the envelope that the intended recipient was not at that address,  
4 further stating that it could not be forwarded as the recipient's whereabouts was unknown. *See*  
5 Dkt. 16. Because plaintiff has now been given two opportunities to file her opening brief but has  
6 failed to do so, and because she has failed to keep the Court informed as to her current address,  
7 the undersigned recommends the Court dismiss this matter for failure to prosecute.

8 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedures ("Fed. R. Civ.  
9 P.") 72(b), the parties shall have **fourteen (14) days** from service of this Report and  
10 Recommendation to file written objections thereto. *See also* Fed.R.Civ.P. 6. Failure to file  
11 objections will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474  
12 U.S. 140 (1985). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is  
13 directed set this matter for consideration on **April 10, 2015**, as noted in the caption.

14 Dated this 26th day of March, 2015.

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17 Karen L. Strombom  
United States Magistrate Judge  
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